

Exhibit C

DECLARATION OF DAVID GINGRAS

I, David Gingras, having first been duly sworn, hereby state as follows:

1. My name is David Gingras. I am a United States citizen, a resident of the State of Arizona, am over the age of 18 years, and if called to testify in court or other proceeding I could and would give the following testimony which is based upon my own personal knowledge.

2. I am lawyer based in Phoenix, Arizona. I have been admitted to practice law in the State of Arizona since 2004, and the State of California since 2002. Among other things, my practice focuses on intellectual property and copyright law.

3. I am the owner of a registered copyright in a work entitled “DMCA Page Text for Websites”. This work was registered with the United States Copyright Office on June 21, 2016, and assigned registration #TXu 2-009-004.

4. The work “DMCA Page Text for Websites” is a set of written instructions explaining how to prepare and submit a Notification of Claimed Infringement to a website pursuant to the Digital Millennium Copyright Act or “DMCA”.

5. As a lawyer, I typically charge clients a flat-rate fee of \$1,500 for a non-exclusive license to use the work “DMCA Page Text for Websites” and some related content. To date, several clients have paid to license this work from me.

6. Whenever a client purchases a license for this work, the web page where the work is published includes certain “copyright management information” or “CMI” within the meaning of 17 U.S.C. § 1202(c). This CMI typically appears at the bottom of the page as shown in this example which appears on the website of a current licensee:

<https://thedirty.com/copyright/>

Copyright Management Information

Last Updated: November 28, 2016
DMCA Page Text © 2016 David Gingras
Title: DMCA Page Text For Websites
Copyright Reg. # TXu 2-009-004

1 7. Within the last three years, a website located at holysmoke.org copied and
2 displayed the work “DMCA Page Text for Websites” at the following address:
3 <https://www.holysmoke.org/dmca/>. The work was copied *verbatim* and in its entirety, with
4 the only changes being to remove the name of the original site from which the work was
5 copied, and to replace the original site’s contact information with new contact information
6 for holysmoke.org.

7 8. The website holysmoke.org does not have, and has never had, a valid
8 license to use the work “DMCA Page Text for Websites”.

9 9. The website holysmoke.org removed all “copyright management
10 information” or “CMI” from the work “DMCA Page Text for Websites” in violation of 17
11 U.S.C. § 1202(b)

12 10. Pursuant to 17 U.S.C. § 512(h), I hereby state that the subpoena which is the
13 subject of this request is sought to obtain the identity of an alleged infringer and that such
14 information will only be used for the purpose of protecting rights under Title 17 of the
15 United States Code.

16
17 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the
18 United State of America that the foregoing is true and correct.

19
20 Executed on August 22, 2019.

21 
22 David Gingras